

"Etheredge") in view of Alexander et al. U.S. Patent No. 6,177,931 (hereinafter "Alexander").

Claims 36-40, 89 and 90 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Etheredge in view of Alexander and Williams et al. U.S. Patent No. 5,977,964 (hereinafter "Williams").

Claim 1 has been amended and new claims 181-447 have been added to more particularly define the invention. No new matter has been added and the amendments and new claims are fully supported and justified by the specification.

The rejections are respectfully traversed.

Claim 1

Applicants' invention, as defined by independent claim 1 (as amended), is directed towards a television program guide system that displays a "hot list" of programs to a user. The programs identified in the hot list are substantially currently available for viewing by the user and are included in the hot list based on information stored in a preference profile associated with the user. A substantially currently available program is one that is currently broadcasting, about to start (e.g., within a relatively short predetermined period of time on the order

of minutes or seconds), or has just started. The user may tune to a substantially currently available program in order to begin viewing it. An illustrative hot list of the present invention that may be displayed for the user is shown in FIG. 25 and is described at pages 31 and 32 of applicants' specification.

Etheredge refers to an electronic program guide that displays a television programming schedule in a grid format (Etheredge, FIGS. 4, 14, 15, and 24-26). The program guide may use a user's preferences to filter the programs, thus only programs of interest to the viewer will appear in the grid. The grid schedule likely includes upcoming programs that are scheduled to start hours or days in advance of the current time.

Alexander refers to using a preference profile to identify future programs for viewing, recording, or both. These future programs are listed in a watch/record schedule (Alexander FIG. 6). Because the watch/record schedule includes programs for future viewing, recording, or both, the schedule likely includes programs that may not be available for hours or days.

The Examiner contends that the combination of Etheredge and Alexander show all the features of applicants' claimed invention, as defined by independent

claim 1. In view of applicants' amendment of claim 1, whether taken alone or in combination, neither Etheredge nor Alexander show all the features of applicants' claimed invention.

For example, applicants' claim 1 requires that all of the programs identified in the hot list are available substantially currently for viewing by the user. Etheredge's grid schedule, however, is not limited to identifying only those programs that are available substantially currently for viewing by the user. Rather, Etheredge's grid schedule likely includes programs that are scheduled to begin hours or days from the current time. Such programs cannot be said to be substantially currently available for viewing. There is, in fact, no mention in Etheredge of identifying only substantially currently available programs.

Nor does Alexander show at least this feature of applicants' claimed invention. While Alexander may disclose displaying a list of programs in a watch/record schedule based on a user's preference profile, applicants' amended claim 1 includes the additional patentable feature of displaying in a hot list only those programs that are substantially currently available for viewing by the user. Alexander does not disclose such a feature. In this

respect, applicants' hot list provides a more selective and focused list of programs than the watch/record schedule of Alexander.

Therefore, whether taken alone or in combination, neither Etheredge nor Alexander show all the features of applicants' invention, as defined by independent claim 1. Accordingly, applicants respectfully submit that independent claim 1 is allowable over Etheredge in view of Alexander.

Applicants have newly added independent claims 184, 272 and 360 that correspond to claim 1. Therefore, applicants respectfully submit that claims 184, 272 and 360 are allowable for at least those reasons that claim 1 is allowable.

Claims 2-26, 28-78, 84-91, 181-183, 185-271, 273-359 and  
361-447

Claims 2-26, 28-78, 84-91 and 181-183 depend from claim 1 and are allowable at least because claim 1 is allowable. New claims 185-447 are allowable for at least those reasons that claims 1-26, 28-78, 84-91, and 181-183 are allowable.

CONCLUSION

The foregoing demonstrates that claims 1-26, 28-78, 84-91 and 181-447 are allowable. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

  
Alexander Shvarts  
Alexander Shvarts  
Registration No. 47,943  
Agent for Applicants  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel: (212) 596-9000  
Fax: (212) 596-9090

## APPENDIX TO REPLY TO NOVEMBER 20, 2002 OFFICE ACTION

This appendix presents the amendments that have been made in bracket-and-underline format.

Claims 181-447 have been newly added.

Claim 1 has been amended as follows:

1. (Twice amended) A television program guide system implemented on user television equipment, comprising:

means for providing an option for a user to create a preference profile that is indicative of the user's television programming interests; and

means for displaying a hot list of programs [based on the preference profile] on the user television equipment, wherein all of the programs on the hot list [of programs includes at least one program with an active non-expired reminder] are based on the preference profile and are substantially currently available for viewing by the user.